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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,471	02/06/2001	Raul A. Bircann	89190.157900/DP-303637	4278
759	90 03/20/2003			
Delphi Technologies, Inc. P.O. Box 5052 Mail Code 480414420			EXAMINER	
			BONDERER, DAVID A	
Troy, MI 48007			ART UNIT	PAPER NUMBER
			3732	
			DATE MAILED: 03/20/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Application No.   Applicating   Application No.   BirCANN ET AL							
Examiner   D. Austin Bonderer   3732   37		Application No.	Applicant(s)				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address Prior Mailing Date of the second prior of the provided by the period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  The MAILING DATE of this communication is the second prior of the prior of t	Ossian Antion Surren	09/777,471	BIRCANN ET AL.				
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  **Bite SW (8) MONTH'S from the mailing date of this communication.  **Bite period for reply specified above, the maintening date of this communication.  **Bite period for reply specified above, the maintening date of this communication.  **Bite period for reply specified above, the maintening date of this communication.  **Bite period for reply specified above, the maintening date of this communication.  **Bite period for reply specified above, the maintening date of this communication.  **Bite period for reply specified above, the maintening date of this communication, and the period of this communication.  **Any reply received by the Office date than three medical share the mailing date of this communication, even if limitly flad, may reduce any reduce any examined patent term adjustment. See 37 CFR 1704(b).  **Status**  **To Applicate the maintening date of this communication, even if limitly flad, may reduce any evaluate any evaluation.  **To Applicate the maintening date of this communication, even if limitly flad, may reduce any evaluate any evaluation and evaluate any evaluation for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  **Disposition of Claim(s)	The MAN INC DATE (4)						
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be waited under the provision of 37 CFR 1.13(d), in no event, however, may a riply be limely lited after \$0.00 MOCH NITS from the mailing date of this communication.  Fallow to reply within the set or extended pend of the communication.  Fallow to reply within the set or extended pend of reply will, by abstack cause the application to become ARANDONED (35 U.S.C. § 133). Any reply recorded by the Office are than three morning whether hasting date of this communication.  Fallow to reply within the set or extended pend of reply will, by abstack cause the application to become ARANDONED (35 U.S.C. § 133). Any reply recorded by the Office are than three morning whether hasting date of this communication. even if limity fleet, may reduce any share the mailing date of the communication.  Fallow to reply within the set or extended pend of reply will, by abstack cause the application of the communication.  Fallow to reply within the set of this communication.  Fallow to reply within the set of the communication of the communication.  Fallow to reply within the set of the communication of the communication.  The proposed that the set of the communication of the communication.  The proposed that it is a constant of the communication of the communication.  The proposed communication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  The proposed claim (s) is/are allowed.  The claim (s) is/are allowed.  The proposed data claim (s)	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet w	ith the correspondence address				
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Application/Control Number: 09/777,471

Art Unit: 3732

#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 6, 7, and 8 it is unclear what is meant by the term "wound around said polepieces." It is not clear by the drawings how the coil is wound on the pole pieces. The drawings show that the coil is wound on a bobbin.

In light of the above informalities, the claims have been examined as could best be understood by the examiner. The examiner's failure to apply prior art to any of the claims should not be construed as an indication of allowable subject matter.

#### Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the coil wound on the polepieces must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Application/Control Number: 09/777,471 Page 3

Art Unit: 3732

## Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nehl et al.

Nehl discloses a valve comprising:

- Two pole pieces 122, 136;
- An electric core 130;
- A bearing 100;
- A gap Fig. 2;
- An armature 146;
- A shaft 96;
- Gap filled with air;
- The armature is frusto-conical;
- Attachable to a device providing for linear actuation; and
- Use in an internal combustion engine.

Nehl's bearing is disposed in one of the pole pieces. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to move the bearing up to be disposed in the pole piece, since it is held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70. Also, since applicant has not disclosed that having

Application/Control Number: 09/777,471

Art Unit: 3732

the having the bearing disposed in one of the pole pieces solves any stated problem or is for any

particular purpose and it appears that the bearing disposed just below one of the pole pieces would

Page 4

perform equally well.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to D. Austin Bonderer whose telephone number is 703.306.5911. The examiner

can normally be reached on Monday- Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Kevin P Shaver can be reached on 703.308.2582. The fax phone numbers for the organization

where this application or proceeding is assigned are 703.305.7687 for regular communications and

703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703.308.0873.